

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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| In re: |) | MDL No. 1456 |
| |) | Civil Action No. 01-12257-PBS |
| |) | |
| PHARMACEUTICAL INDUSTRY |) | Subcategory No. 06-11337 |
| AVERAGE WHOLESALE PRICE |) | Civil Action No. 08-cv-10852 |
| LITIGATION |) | |
| |) | |
| |) | |
| THIS DOCUMENT RELATES TO: |) | |
| <i>United States of America ex rel. Ven-A-Care of</i> |) | Judge Patti B. Saris |
| <i>the Florida Keys, Inc., by and through its principal</i> |) | |
| <i>officers and directors, Zachary T. Bentley and</i> |) | |
| <i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.</i> |) | |

**ORDER OF DISMISSAL WITH PREJUDICE OF CERTAIN CLAIMS
AGAINST PAR DEFENDANTS**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, Relator Ven-A-Care of the Florida Keys, Inc. (the “Relator”) and Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (together referred to herein as “Par”) (Par together with Relator collectively the “Parties”) filed with this Court, a Stipulation of Dismissal and Motion for Order of Dismissal with Prejudice as to Certain Claims Against Par. Upon due consideration of the Stipulation and the Parties’ Settlement Agreement and Release, the United States’ Consent, the lack of objection to the proposed Settlement, and the Court’s determination that the Settlement Amount appears to the Court to be fair, adequate, and reasonable under all the circumstances, the Court hereby approves the Settlement.

WHEREFORE, IT IS ORDERED, that

1. Consistent with the terms of, and as limited by, the Settlement Agreement and Release attached hereto as Exhibit A, the above captioned Civil Action is dismissed with prejudice as to Par; however, this dismissal shall be without prejudice to the right of the United States to recover the federal share of Medicaid Program payments by the State of Illinois .

2. This Order resolves all claims against Par for the federal share of Medicaid program payments arising from or encompassed by the above-captioned Civil Action except for those attributable to the State of Illinois. This Order shall in no way prejudice or limit any claims for a state's share.

3. Except as specified in the Settlement Agreement and Release, each party shall be responsible for its own expenses, attorneys' fees, and costs.

4. The Court shall retain jurisdiction to enforce the terms, conditions, and releases of the Parties' Settlement Agreement and Release to the extent reasonably necessary and appropriate.

IT IS SO ORDERED this ____ day of _____, 2011.

THE HONORABLE PATTI B. SARIS
UNITED STATES DISTRICT COURT JUDGE